UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1452
12 June 2001

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE 1452nd MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 15 March 2001, at 10 a.m.

Chairman: Mr. SHERIFIS

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Eleventh periodic report of the Sudan (continued)

Senegal

Côte d'Ivoire

Lao People's Democratic Republic

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-41017 (E) 220501 120601

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Eleventh periodic report of the Sudan (continued) (CERD/C/334/Add.2)

1. At the invitation of the Chairman, the members of the delegation of the Sudan took places at the Committee table.

2. The CHAIRMAN invited the Sudanese delegation to reply to the questions raised by the members of the Committee at the previous meeting.

3. Mr. IBRAHIM (Sudan) said that if the Committee, in accordance with article 9, paragraph 1 of the Convention, had requested further information from the State party after receiving its eleventh periodic report, the Sudanese Government would have sent it detailed responses in writing. At any rate, the Sudanese delegation would do its best to provide precise information.

4. Since the adoption of the new Constitution in 1998, there had been a rapid succession of political, economic and cultural developments. A Constitutional Court composed of nine prestigious members and with wide-ranging jurisdiction had been established. In particular, it interpreted constitutional and legal provisions at the request of the President of the Republic, the National Assembly, one half of all governors or one half of all members of Parliament. It ruled on complaints regarding protection of the freedoms or rights guaranteed by the Constitution and on conflicts of jurisdiction between federal and national bodies. One case concerning basic constitutional rights had been referred to it following a complaint filed by a group of women against a governor's decision to prohibit women from working in four categories of workplace viewed as dangerous and unhealthy for women, including service stations and bars in tourist areas. That measure, which had been taken in good faith, had unleashed a protest movement in the press and the general public, with women calling for recognition of their equal right to employment. The case had enhanced public awareness of the fundamental rights set forth in the Constitution.

5. The 1998 Political Associations (Organizations) Act, as amended in January 2000, laid down the rights of persons wishing to establish such organizations. The 17 political organizations currently on the register could, *inter alia*, hold meetings and publish their own newspapers. With regard to elections, the Public Elections Act had provided for the establishment of an independent Elections Board to supervise elections, a body that had fulfilled its mandate in exemplary fashion during the presidential and parliamentary elections of December 2000. The 1998 Local Authorities Act provided for the reorganization of the system of local government. The federal State was made up of 26 states, each with its own government and assembly, a situation that entailed organizational problems, particularly in respect of the recruitment and payment of civil servants. A 1998 Act had established the office of ombudsman, an institution to which persons who felt they were victims of unfair treatment or an illegal act on

the part of the administration could apply for redress. The Ombudsman's Office had already received complaints and the Sudanese Government would provide details of the cases dealt with in its next report.

6. The 1999 Press and Publications Act regulated the practice of the profession of journalist and had led to the establishment of an independent national Press and Publications Board, which ensured that the right to freedom of expression was respected and supervised the work of journalists. Seven members of the Board were selected by the President of the Republic, nine by the Association of Journalists and five by Parliament. There were currently 21 daily newspapers, only one of which was controlled by the Government. The press in the Sudan was just as free as in the other countries of the region and in many developed countries.

7. A new National Security Act had been adopted in 1999. On arrest, the maximum period of police custody was three days. Thereafter, it was for the judge to decide whether or not to extend the period of detention. Parliament and the press closely monitored compliance with the National Security Act and the powers of the security forces were kept under strict surveillance. Recently, for example, 10 law enforcement officers had been convicted of abuse of authority and three of them for murder. The three police officers convicted of murder had been sentenced to death. The sentence had been commuted in one case because the family had paid the sum demanded (the "blood price") and the other two officers had been executed.

8. The Advisory Council for Human Rights had 25 members representing all bodies involved in the protection of human rights (security agencies, bar associations, magistrates, human rights defence associations and religious communities). It was chaired by the Minister of Justice for reasons of credibility and financing, but was still independent and impartial in its activities. It made recommendations, some of which had already been implemented by the Government.

9. In response to a Committee member who had asked whether it might not be a good idea to combine the legal instruments dealing with personal status, he said it would be unwise because each religious community applied its own rules in that area. Conversion to a religion other than Islam did not constitute a crime. The offence characterized by the law was not conversion but its manifestation if it undermined public safety. Lastly, with regard to the question of self-determination, he referred the members of the Committee to article 3 of the 1996 Political Charter, which recognized the right of the population of the South to hold a referendum on their political future. Articles 6, 8 and 10 of the 1997 Peace Agreement also provided for the exercise of the right of self-determination by the population of southern Sudan. Moreover, political parties that advocated racial discrimination were prohibited and no political organization was based on a distinction related to sex, colour or religion.

10. Mr. SIDDIG (Sudan) said that the situation regarding the abduction of women and children was not as described by certain non-governmental organizations (NGOs), which were not objective and whose information was not creditworthy. For instance, Christian Solidarity International had slandered the Sudanese Government before the Commission on Human Rights at its fifty-fifth session, and the Economic and Social Council had for that reason adopted a recommendation by the Committee on Non-Governmental Organizations in October 1999 withdrawing its consultative status with the Council. The issue of the abduction of women and

children should in any case be considered in the light of local circumstances. Moreover, many human rights activists and specialists in the Sudan had cast doubt on the veracity of allegations that the Sudanese Government supported or tolerated slavery or slavery-like practices. Some authors of reports, including, for example, the Harker report published following a fact-finding mission requested by the Canadian Government, had actually concluded that the "ransoming of slaves" by certain organizations constituted a covert form of support for the Sudan Peoples Liberation Army. The phenomenon of abduction had to be placed in a historical context. It was a phenomenon of ancient origin, a characteristic of the armed conflicts that had long been waged between tribes living in the south and west of the country. But the Government was trying to end such tribal practices, which were encouraged by the rebel movements. Moreover, the emergence of militias was a spontaneous phenomenon. Some tribes which had found themselves in the middle of the armed conflict had decided to obtain weapons, even by unlawful means, to protect themselves.

11. The war in the south of the country should also be placed in its historical context. It should be noted that the difficult situation in the country could be traced to the division of territory conceived during the colonial period, when the British Government wanted to annex southern Sudan to its colonies in East Africa. Such foreign schemes had contributed to the growth of antagonism between the north and south of the country. Despite that antagonism, the Sudan had experienced a period of stability between 1972 and 1983, but the Dinka tribe had then been all-powerful in the south of the country, a fact that had led to discontent among the other tribes in the region. When attempts had been made to restore balance, the Dinka had rebelled. The Sudanese Government was quite willing to make peace with the various rebel factions and had made numerous concessions to that end. Seven of the factions had signed an agreement with the Government but the Sudan Peoples Liberation Army had to date refused to do so. Lastly, with regard to the distribution of supplies and humanitarian assistance, the Sudanese Government had called for a "humanitarian" ceasefire, but the rebels had refused to act on the appeal.

12. Mr. LEONARDO (Sudan) said that the sources of allegations that people living in oil-producing areas in the south of the country had been displaced took no account of certain particularly important circumstances, particularly the civil war in the region, the fact that the civil war had intensified in the south and east of the country, including in certain oil-producing areas, and the worsening of the situation when the Sudan Peoples Liberation Army had declared certain oil-producing areas legitimate targets. Under those circumstances, civilians had had no choice but to flee the region.

13. Mr. ABDALLA (Sudan) added that most displaced persons had opted to head for the north of the country because they hoped to find better living conditions there. As a result, there were some 3.6 million displaced persons in northern Sudan whose basic needs were largely being met. The persons concerned were also free to return home as soon as the situation improved. In the same context, 360,000 displaced persons in the Nuba Mountains had been resettled in villages with basic infrastructure where peace had been restored. With regard to the participation of minorities in the national Government, six of the country's 29 federal ministers and one of the two Vice-Presidents came from the south. Moreover, the Government had

introduced a recovery programme for the south of the country, to which over US$ 10 million of revenue from oil production had been appropriated. In the 2001 financial year, US$ 65 million of oil revenue would be appropriated to the programme.

14. Mr. ABDUL RAHMAN (Sudan) said that the Government gave high priority to rebuilding the many schools that had been destroyed by the rebellion in the south of the country. US$ 2 million had already been earmarked for the purpose in the recovery programme and a further US$ 6 million in the 2001 budget. Furthermore, students from the south of the country were quite free to study in the north, also in their own language.

15. Ms. JANUARY-BARDILL (Country Rapporteur) welcomed the answers given by the Sudanese delegation to the numerous questions put by Committee members. The Committee recognized that the Sudanese Government had to contend with many challenges if it were to resolve the social and economic problems impeding the country's development. It commended the Government's endeavours to classify racial discrimination as an offence under Sudanese criminal law and to embody the principle of non-discrimination in the national Constitution. It was, however, concerned by the ongoing war and political disputes which were undermining the efforts being made and which had led to huge losses of human life in both the north and south of the country. In that respect, it urged the Sudan to compile population statistics broken down by race, sex, ethnic origin and religion, so as to permit an assessment of the favourable impact of the measures adopted and the adverse impact of the war on the various social and religious groups. She further recommended that the State party ensure that the different Sudanese ethnic groups were represented in government bodies and the private sector. Steps should also be taken to end population displacement and the kidnapping of women and children. Decisive action was needed to protect all refugees irrespective of origin. Furthermore, the Sudanese Government could use the country's oil resources to halt famine and improve the population's living conditions. Lastly, she acknowledged that it was hard to act against the militias, especially in the south of the country, but emphasized that until the populations had exercised their right to self-determination and had freely chosen their future, it would be incumbent on the Government to guarantee the safety of people living in the national territory.

16. Mr. IBRAHIM (Sudan) said that he was satisfied with the dialogue with the Committee on matters of extreme importance for his country. The Sudanese Government and people were determined to comply with the provisions of the Convention and he hoped that they could count on the Committee's help in that field. In that connection, since a lack of funds had meant that only three people had been able to represent Sudan before the Committee, he wondered if the Committee could not give financial assistance to countries which, like the Sudan, could not afford to send large delegations to Geneva. Another possible solution for the Committee's consideration, especially when it was reviewing the situation in less developed countries, would be the holding of teleconferences in those countries. That would enable them to muster, at little cost, a sufficient number of experts to reply to the Committee's questions. He asked the Committee to tell him which countries most faithfully honoured the obligations laid down in the Convention and about the best practices for stamping out racial discrimination.

17. The CHAIRMAN stated that he would like to accede to the Sudanese delegation's request for financial assistance but that, unfortunately, it was impossible to do so. On the other hand, he agreed that it would be useful to inform States parties of the best practices for

eliminating racial discrimination, given that no country fully respected all the provisions of the Convention. He asked the Sudanese delegation whether the country had approved the proposed amendment to article 8, paragraph 6 of the Convention, concerning the defraying of Committee members' expenses while they were performing Committee duties.

18. Mr. YUTZIS considered the suggestion of the representative of the Sudan about the holding of teleconferences to be most helpful. He had personally gone to Croatia, at that country's invitation, and then to Guatemala, to initiate a dialogue with those two States parties, and the procedure thus introduced could be employed for States which could not afford to send a delegation to a Committee meeting. For that reason, the Committee might well consider sending one of its members to the Sudan so as to reinforce the dialogue between the State party and the Committee members.

19. The CHAIRMAN thanked the Sudanese delegation and announced that the Committee had completed its consideration of the eleventh periodic report of the Sudan.

20. The delegation of the Sudan withdrew.

Senegal

21. The CHAIRMAN said he was pleased to announce that the Committee secretariat had that very morning received the periodic report of Senegal, which should be available very soon in the various working languages. The report had been submitted very late, and during the current session the Committee had been due to examine the situation in Senegal under the review procedure. He therefore proposed that consideration of the situation under that procedure be cancelled and that the Committee take up Senegal's periodic report at its fifty-ninth session.

22. It was so decided.

Côte d'Ivoire

23. Mr. FALL (Country Rapporteur) proposed that the Committee examine the situation in that country under agenda item 5 ("Prevention of racial discrimination, including early warning measures and urgent action procedures"), rather than deferring consideration thereof because the country had not yet submitted a periodic report. Other United Nations organs were interested in Côte d'Ivoire from the human rights angle and a United Nations fact-finding mission was in the country at that moment. That very morning, he had had a discussion with a member of the Permanent Mission of the Côte d'Ivoire to the United Nations Office at Geneva, from which it did not seem that the Côte d'Ivoire intended to take part in the Committee's deliberations of 20 March 2001 on the situation in that country.

24. Mr. YUTZIS thought that if the Committee did decide to discuss that matter under the agenda item relating to the prevention of racial discrimination and urgent action procedures, it would not be because other United Nations organs were interested in events in that country, but because the circumstances required it. The Committee had to base its decisions in that sphere on its own judgement and did not have to justify them to other United Nations organs.

25. Mr. DIACONU said that he had some doubts about the issue and was not sure that what was happening in Côte d'Ivoire was connected with problems of racial or ethnic discrimination calling for urgent action. At all events, there was no question of definitively including consideration of the situation in that State party under agenda item 5. The Committee should merely look at the situation in the light of recent information received.

26. Mr. FALL explained that his proposal did not rest on any view that other United Nations organs might hold of the situation, but was a response to a very worrying state of affairs directly linked to respect for the Convention, since during the previous two years the country had fallen into a spiral of violence which was in danger of plunging it into a civil war. Furthermore, as Mr. Diaconu had underlined, even if the Committee decided that day to include consideration of the situation in that country under agenda item 5, it did not always have to examine it under that heading.

27. Mr. de GOUTTES said that the alarming turn of events in Côte d'Ivoire completely justified their investigation under the urgent action procedure. The Committee's interest in the item seemed to be waning as the years went by and other situations, as well as that in Côte d'Ivoire, also deserved consideration within that framework.

28. Mr. ABOUL-NASR stressed that since conditions in Côte d'Ivoire had been very worrying for a long time, it would be difficult to call any steps taken "early warning" measures. That being so, he was in favour of consideration under the urgent action procedure. Moreover, he thought that it was important to inform the Côte d'Ivoire mission forthwith of the date set for the Committee's examination of the situation in that country.

29. Mr. YUTZIS deeply regretted that it was really almost too late to adopt preventive measures as a conflict had already broken out in Côte d'Ivoire. It was essential that the Committee do all it could to intervene promptly in such circumstances, for any prevarication would be paid for in human lives. To that end, the Committee should define more precisely the criteria for tackling the issues of prevention.

30. Mr. FALL said that it had emerged from an informal meeting with an official of the Ivorian Mission, which knew about the Committee's decision to review the situation in Côte d'Ivoire at the current session, that the Ivorian delegation, which would be attending the fifty-seventh session of the Commission on Human Rights due to commence on 19 March 2001, did not intend to be present when the Committee considered the question.

31. The CHAIRMAN took it that the Committee members accepted Mr. Fall's proposal concerning consideration of the situation in Côte d'Ivoire under the procedure for prevention, early warning and urgent measures, at a meeting during the third week of the session.

32. It was so decided.